

BY *Fay*

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
CLERK'S OFFICE
MAR 1
2005 FEB 26 P 3:02

QSL CORPORATION d/b/a WAXCESSORIES)
and CKQ DESIGNS, INC.,)
Plaintiffs,)
v.)
FIGI ACQUISITION COMPANY, LLC,)
Defendant.)

05-10395 NG

RECEIPT # 62405
AMOUNT \$ 350.00
SUMMONS ISSUED 1
Civil LOCAL RULEND 1
WAIVER FORM -
MCF ISSUED -
BY DPTY. CLK. MP
DATE 3/1/05

MAGISTRATE JUDGE MSC

COMPLAINT AND JURY DEMAND

Plaintiffs QSL CORPORATION d/b/a WAXCESSORIES and CKQ DESIGNS, INC., by their undersigned attorneys, by way of Complaint herein, allege as follows:

1. Plaintiff QSL CORPORATION d/b/a WAXCESSORIES is a Massachusetts corporation having a place of business at 20 Commercial Drive, Dracut, Massachusetts 01826.

2. Plaintiff CKQ DESIGNS, INC. is a Massachusetts corporation having a place of business at 20 Commercial Drive, Dracut, Massachusetts 01826.

3. On information and belief, Defendant FIGI ACQUISITION COMPANY, LLC is a Delaware Limited Liability company having a place of business at 3636 Gateway Center Drive, San Diego, California 92102, and is doing business in this judicial district.

4. This court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 in that the Complaint sets forth a count for patent infringement under Title 35 of the United States Code.

5. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

6. Plaintiff QSL CORPORATION d/b/a WAXCESSORIES is the exclusive licensee, and Plaintiff CKQ Designs, Inc. is the assignee, of U.S. Patent No. 501, 205 entitled "Holder/Charging Stand for a Mobile Phone or the Like," which Patent duly issued on January 25, 2005 (the "'205 patent"). A true copy of the '205 Patent is attached hereto as Exhibit A.

7. Plaintiffs have the exclusive rights to make, use, offer for sale, and sell mobile phone holders and/or charging stands embodying the invention of the '205 Patent.

8. On information and belief, Defendant has been and is making, using, offering for sale, and and/or selling, mobile phone holders and/or charging stands embodying the invention of the '205 Patent, without authorization from Plaintiffs.

9. The aforesaid actions of Defendant have continued despite Defendant having actual notice of the '205 patent as of its date of issuance on January 25, 2005. On information and belief, such actions have been taken in willful and flagrant disregard of Plaintiffs' patent rights under the '205 patent.

10. Said actions of Defendant constitute willful infringement of the '205 Patent under 35 U.S.C. § 271.

WHEREFORE, Plaintiffs QSL CORPORATION d/b/a WAXCESSORIES and CKQ DESIGNS, INC. demand judgment as follows against the Defendant:

A. That this court preliminarily and permanently enjoin Defendant, from the manufacture, use, offer for sale, and sale of products that infringe the '205 Patent.

B. That Defendant provide an accounting for damages regarding its manufacture, use, offer for sale, and sale of the infringing products.

C. That Plaintiffs be awarded damages adequate to compensate for the infringement, including Defendant's profits pursuant to 35 U.S.C. § 289, but in no event less than a reasonable royalty, together with interest and costs.

D. That Plaintiffs be awarded treble damages for Defendant's intentional, willful, and wanton violation of Plaintiffs' patent rights, as well as prejudgment interest and Plaintiffs' costs, expenses, and attorneys' fees in this action, as authorized by 35 U.S.C. §§ 284 and 285.

E. That this Court grant such other order and further relief as it deems just and proper.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b), Fed. R. Civ. P., Plaintiffs hereby demand trial by jury of all issues so triable.

QSL CORPORATION d/b/a WAXCESSORIES


John L. Welch BBO No. 522,040
Ian J. McLoughlin BBO No. 647,203
FOLEY HOAG LLP
155 Seaport Boulevard
Boston, MA 02210
617/832-1000



(12) **United States Design Patent** (10) Patent No.: **US D501,205 S**
Quinn (45) Date of Patent: **** Jan. 25, 2005**

(54) **HOLDER/CHARGING STAND FOR A MOBILE PHONE OR THE LIKE**

(75) Inventor: **Kevin J. Quinn, Methuen, MA (US)**

(73) Assignee: **CKO Designs, Inc., Dracut, MA (US)**

(**) Term: **14 Years**

(21) Appl. No.: **29/201,860**

(22) Filed: **Mar. 22, 2004**

(51) LOC (7) Cl. **14-03**

(52) U.S. Cl. **D14/253**

(58) Field of Search **D14/137, 434, D14/138, 447, 148, 147, 149-151, 140-142, 240, 241, 251-253, 451, 218, 379/426, 449, 419, 420.01-420.04, 428.01-428.04, 440, 454, 455, 446; 455/550.1-90.3; D13/107, 108; 224/670, 197, 271; D3/218; 248/221.11, 231.81; 320/110-115**

(56) **References Cited**

U.S. PATENT DOCUMENTS

D206,590 S * 1/1967 Haggstrom D13/108
 3,644,873 A * 2/1972 Dalton et al. 439/299
 D275,482 S * 9/1984 Coons et al. D14/253
 4,741,034 A * 4/1988 Errichello et al. 379/455
 D313,221 S * 12/1990 Skully et al. D13/108
 D334,384 S * 3/1993 Nye D14/149
 D345,728 S * 4/1994 Tyneski et al. D13/108
 D352,282 S * 11/1994 Toh et al. D14/150
 D357,990 S * 5/1995 Cheng et al. D26/38
 5,479,486 A * 12/1995 Saji 455/573
 D368,892 S * 4/1996 Tanaka D13/108
 D369,163 S * 4/1996 Leung et al. D14/150
 D369,344 S * 4/1996 Lindeman et al. D13/108
 5,525,888 A * 6/1996 Toya 320/111
 D385,252 S * 10/1997 Snyder et al. D13/108

D396,033 S * 7/1998 Ahearn et al. D14/457
 D399,244 S * 10/1998 Coveley D18/12
 5,946,637 A * 8/1999 Umbach et al. 455/573
 D417,431 S * 12/1999 Okura et al. D13/108
 D422,556 S * 4/2000 Okura et al. D13/107
 D428,597 S * 7/2000 Murata et al. D13/108
 6,130,521 A * 10/2000 Collins et al. 320/115
 D433,991 S * 11/2000 Buchin et al. D13/108
 D451,498 S * 12/2001 Rossel D14/218
 D460,446 S * 7/2002 Hughes et al. D14/253
 D463,361 S * 9/2002 Ruohonen D13/108
 6,509,716 B2 * 1/2003 Yi 320/115
 D471,578 S * 3/2003 Okuley D16/242
 6,534,953 B2 * 3/2003 Shirakawa 320/114
 D475,346 S * 6/2003 McCurrach et al. D13/108
 D477,823 S * 7/2003 Lavello, Sr. D14/253
 D480,393 S * 10/2003 Toor et al. D14/253
 D486,786 S * 2/2004 Eroma et al. D13/108

FOREIGN PATENT DOCUMENTS

WO DM/061400 * 7/2002

* cited by examiner

Primary Examiner—Jeffrey Asch

(74) *Attorney, Agent, or Firm—John L. Welch*

(57) **CLAIM**

The ornamental design for a holder/charging stand for a mobile phone or the like, as shown and described.

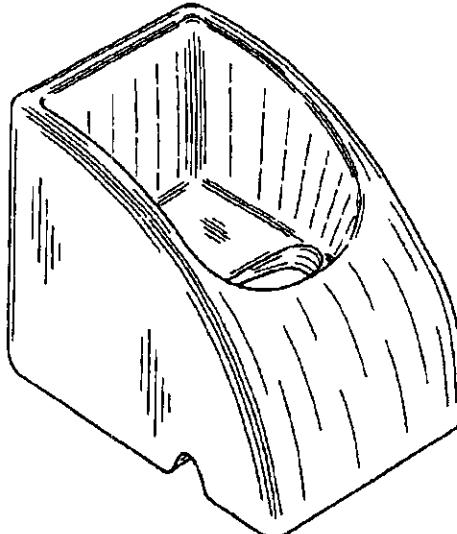
DESCRIPTION

FIG. 1 is perspective view of the holder/charging stand for a mobile phone or the like according to our new design, as seen from the left front corner thereof.

FIG. 2 is right side elevational rear view thereof, the left side elevational view being a mirror image thereof.

FIG. 3 is a front elevational view thereof; and, FIG. 4 is a top plan view thereof.

1 Claim, 1 Drawing Sheet



U.S. Patent

Jan. 25, 2005

US D501,205 S

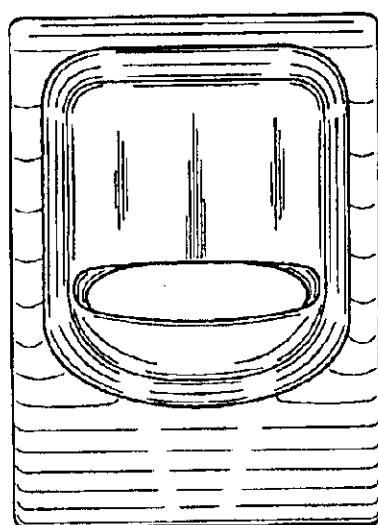


FIG. 4

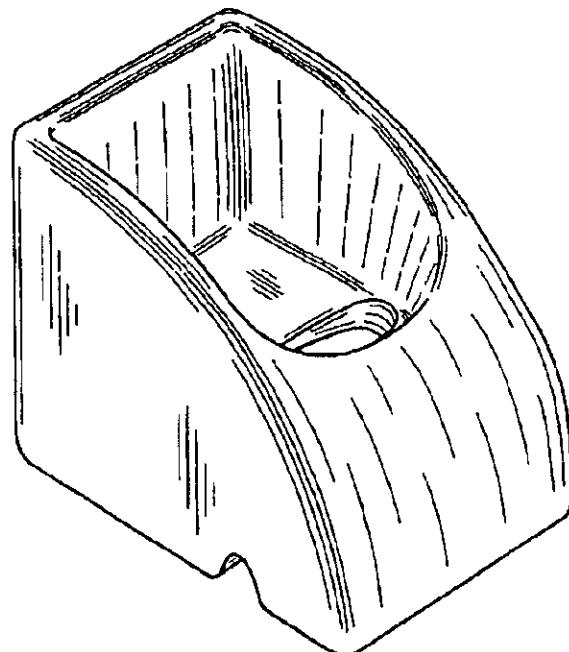


FIG. 1

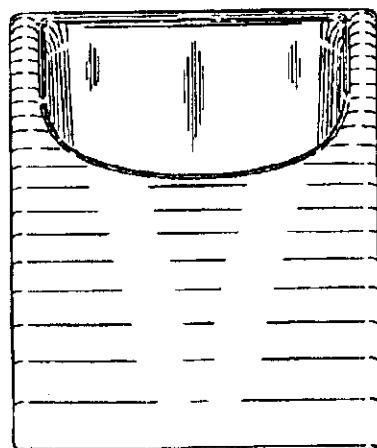


FIG. 3

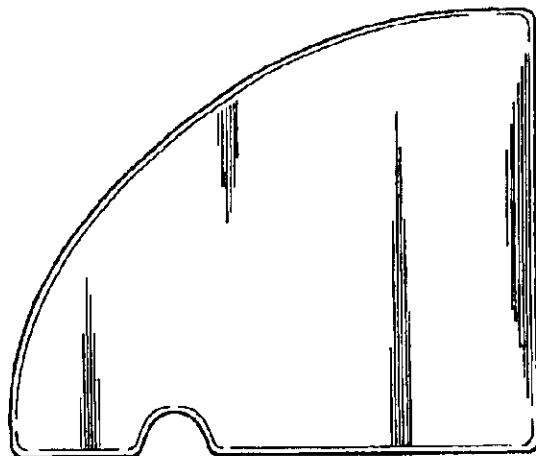


FIG. 2

Case 1:05-cv-10395-NG Document 1-3 Filed 03/01/2005 Page 1 of 2

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

FILED

I. (a) PLAINTIFFS
QSL CORPORATION d/b/a WAXCESSORIES and
CKQ DESIGNS, INC.
(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Middlesex
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS IN CLERKS OFFICE
FIGI ACQUISITION COMPANY, LLC

2005 FEB 29 P 3:02
COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
MARI

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

ATTORNEYS (IF KNOWN)

DISTRICT COURT DISTRICT OF MASS

05-10395 NG

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
John L. Welch and Ian J. McLoughlin
Foley Hoag LLP
155 Seaport Boulevard, Boston, MA 02210-2600
617-832-1000

II. BASIS OF JURISDICTION (PLACE AND "X" IN ONE BOX ONLY)

1 U.S. GOVERNMENT Plaintiff
 2 U.S. GOVERNMENT Defendant

3 FEDERAL QUESTION (US Government Not a Party)

4 DIVERSITY (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)
(For Diversity Cases Only)

	PTF	DEF	PTF	DEF	
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY.)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury Medical Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commercial/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth In Lending	<input checked="" type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 861 HIA (1395 ff)	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholder Suits	<input type="checkbox"/> 360 Other Personal Injury	HABEAS CORPUS:	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract		<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 863 D/WC.DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability		<input type="checkbox"/> 530 General	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 540 Mandamus & Other	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 871 IRS --- Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property				

VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE.
DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Plaintiffs allege that Defendant has infringed their patent and rights under 35 U.S.C. § 271.

VII. REQUESTED IN
COMPLAINT: CHECK IF THIS IS A CLASS ACTION + UNDER F.R.C.P. 23
JURY DEMAND: YES NO

VIII. RELATED CASE(S)
IF ANY (See Instructions): JUDGE DOCKET NUMBER

DATE SIGNATURE OF ATTORNEY OF RECORD
John L. Welch

FOR OFFICE USE ONLY

RECEIPT# _____ AMOUNT _____ APPLYING IFFP _____ JUDGE _____ MAG.JUDGE _____

3/1/05

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED

1. TITLE OF CASE (NAME OF FIRST PARTY ON EACH SIDE ONLY) QSL CORPORATION v. FIVE WAXCESSORIES and CKQ DESIGNS, INC.

2005 FEB 29 P 3:02

MAP 1

2. CATEGORY IN WHICH THE CASE BELONGS BASED UPON THE NUMBERED NATURE OF SUIT CODE LISTED ON THE CIVIL COVER SHEET. (SEE LOCAL RULE 40.1(A)(1)).

U.S. DISTRICT COURT
DISTRICT OF MASS.

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820*, 830*, 840*, 850, 890, 892-894, 895, 950 *Also complete AO 120 or 121 for patent, trademark or copyright cases

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 375, 380, 385, 450, 891.

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

V. 150, 152, 153.

3. TITLE AND NUMBER, IF ANY, OF RELATED CASES. (SEE LOCAL RULE 40.1(E)).

Figi Acquisition Company v. QSL Corporation, USDC, Sourthern District of California,
C.A. No: 04CV2579 JM (AJB)

4. HAS A PRIOR ACTION BETWEEN THE SAME PARTIES AND BASED ON THE SAME CLAIM EVER BEEN FILED IN THIS COURT? YES NO

5. DOES THE COMPLAINT IN THIS CASE QUESTION THE CONSTITUTIONALITY OF AN ACT OF CONGRESS AFFECTING THE PUBLIC INTEREST? (SEE 28 USC 2403) YES NO
 IF SO, IS THE U.S.A. OR AN OFFICER, AGENT OR EMPLOYEE OF THE U.S. A PARTY? YES NO

6. IS THIS CASE REQUIRED TO BE HEARD AND DETERMINED BY A DISTRICT COURT OF THREE JUDGES PURSUANT TO TITLE 28 USC 2284? YES NO

7. DO ALL PARTIES IN THIS ACTION RESIDE IN THE CENTRAL SECTION OF THE DISTRICT OF MASSACHUSETTS (WORCESTER COUNTY) - (SEE LOCAL RULE 40.1(C)) YES NO
 OR IN THE WESTERN SECTION (BERKSHIRE, FRANKLIN, HAMPDEN OR HAMPSHIRE COUNTIES)? YES NO
 (SEE LOCAL RULE 40.1(D))

8. DO ALL OF THE PARTIES RESIDING IN MASSACHUSETTS RESIDE IN THE CENTRAL AND/OR WESTERN SECTIONS OF THE DISTRICT? YES NO
 (a) IF YES, IN WHICH SECTION DOES THE PLAINTIFF RESIDE? _____

9. IN WHICH SECTION DO THE ONLY PARTIES RESIDING IN MASSACHUSETTS RESIDE? EASTERN _____

10. IF ANY OF THE PARTIES ARE THE UNITED STATES, COMMONWEALTH OF MASSACHUSETTS, OR ANY GOVERNMENTAL AGENCY OF THE U.S.A. OR THE COMMONWEALTH, DO ALL OTHER PARTIES RESIDE IN THE CENTRAL SECTION; YES NO OR WESTERN SECTION; YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME John L. Welch and Ian J. McLoughlinADDRESS Foley Hoag LLP, 155 Seaport Boulevard, Boston, MA 02210-2600TELEPHONE NO (617) 832-1000